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DB

APPLICATION NO. *	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/095,390	06/10/98	FERNANDEZ	D FERN-P003

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EXAMINER  
BAHGI, H

ART UNIT	PAPER NUMBER
2711	2

DATE MAILED:

11/16/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/095,390**

Applicant(s)  
**Fernandez et al.**

Examiner  
**Habte Bahgi**

Group Art Unit  
**2711**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because see PTO-948. Correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al.(US Pat. 5,600,364).

Regarding claims 1 and 6, Hendricks shows the network controller 214 as part of a digital cable headend 208 operating in an expanded cable television program delivery system and a set top terminals 220 located in each subscriber's home to operate in the system 200 (See Fig. 4). Furthermore, Hendricks teaches that the Program Overlay Menus are displayed concurrently with the program selected by the subscriber and are small enough on the screen to allow the subscriber to continue viewing the selected program comfortably ( See column 14, lines 43-47). However, Hendricks fails to show a television which is a digital television receiver. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the

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quality of the transmitted audio video by using digital techniques for the known image benefit of better quality images and sound.

Regarding claim 2, sending a billing message to the receivers according to program viewing or conferencing activity is met by Hendricks (See column 12, line 65 to column 13, line 2).

Regarding claims 3 and 7, providing to one or more coupled receivers a personalized commercial message is met by Hendricks (See column 13, line 63 to column 14, line 3).

Regarding claim 5, removing a DTV receiver during program delivery merely reads on powering off a given TV in Hendricks.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Flohr et al. (US Pat. 5,534,914).

Regarding claim 4, Hendricks teaches a simple message delivery using the Introductory menu for display of important announcements from the local cable franchise, advertisements from cable providers or other types of messages (column 13, lines 64-67). However, Hendricks fails to show that the receiver comprises a video camera. Flohr discloses a videoconferencing system with a PC workstation 10, unit 11 comprising a video camera, microphone and loudspeaker and a television circuit board 24 (See Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the simple message delivery system of Hendricks by using a teleconferencing interactive system as taught by Flohr in order to allow the user to respond to messages in an enhanced, interactive manner.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being participated by Flohr et al. (US Pat. 5,534,914).

Regarding claim 8, Flohr discloses a videoconferencing system a PC workstation 10, unit 11 comprising a video camera, microphone and loudspeaker and a television circuit board 24 (See Fig. 1).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Hallenbeck - Method and apparatus for transmitting and receiving television program information.

b) Dagdeviren et al. - ISDN-BASED system for making a video call.

c) Saito - Pay broadcasting system.

d) Cortjens et al. - Video conferencing system controlled by menu and pointer.

e) Ahuja et al. - Multimedia telecommunications network and service.

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f) Williams et al. - Method and apparatus for providing real time data on a viewing screen concurrently with any programing in process.

g) Sano et al. - Multi-site video conference control system and method for controlling video conference terminals via communication lines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Bahgi whose telephone number is (703) 308-8208. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 6:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-9000.

HB: hb  
*[Signature]*  
11/4/98

*Andrew Faile*  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700